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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/334,375 06/16/99 SIWINSKI

M 79496WSS

001333
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MMC1/0830

EXAMINER

MOUTTET, B

ART UNIT

PAPER NUMBER

2853

DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/334,375

Applicant(s)

SIWINSKI ET AL.

Examiner

Blaise L Mouttet

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 50 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Hassett US 5,347,274.

Hassett discloses a method for sensing data comprising

(a) operating a transceiver (2) to transmit a first EM field, the first EM field including a code providing a command to read or write data (column 2, lines 60-63, column 3, lines 10-13, column 4, line 64 - column 5, line 8); and

(b) providing a transponder (figure 2A) associated with a waste material containing container (22), the transponder including a memory (88), the transponder receiving the first EM field (by receiver 62) and generating a second EM field (by transmitter 64) in response to the code in the first EM field that provides a command to read data from the memory, the second EM field carrying information relative to the data stored in the memory (column 2, line 60 - column 3, line 9), the memory being coupled to the transponder and having the data stored therein uniquely associated with the waste material including a current level of waste material (column 4, lines 39-43, column 5, line 65 - column 6, line 10), and the transponder in response to a code providing a

command to write data provides a signal to the memory to apply information from the first EM field into memory (column 3, lines 10-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 8-10, 13, 16, 19-21, 26-28, 31, 34, 37-48, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell et al. US 6,227,643 in view of Cardullo et al. US 3,713,148.

Purcell et al. discloses, regarding claims 1 and 19, a printer and printing method comprising

(a) a transceiver (86) operated to transmit a first EM field and sense a second EM field for communicating with a memory element (80) on a paper roll (column 5, lines 53-59);

(b) read/write memory elements (78, 79) provided on ink containing consumables (74 and 77) which communicate with a processor (52) that is in communication with the transceiver (86) (figure 2, column 5, lines 33-59);

(c) the memories having data stored therein uniquely associated with the ink containing consumable (column 6, lines 23-32).

Purcell et al. discloses that the communication links (81, 82 and 83) may take a variety of forms (column 5, lines 38-41).

Regarding claims 8-10, 13, 16, 26-28, 31 and 34 the memory elements (78, 79, 80) attaches to the printhead consumable (74), ink containing consumable (77), and print media consumable (81) are alternately polled and communicated with by the processor (52) (column 5, lines 33-41).

Regarding claims 38 and 52, Purcell et al. discloses storing the amount of ink used in the memories (column 8, lines 26-33).

Regarding claim 39, the transceiver (86) and memory elements (78, 79) do not touch and are separated by communication links (82 and 83) as shown in figure 2.

Regarding claim 40, see column 5, lines 47-51.

Regarding claims 41-48, see column 10, lines 10-35.

Regarding claim 53, see column 6, lines 4-15.

Purcell et al. fails to disclose that the read/write memory elements on the ink consumables are radio frequency transponders as claimed by applicant.

Cardullo et al. discloses a transponder system and apparatus as claimed by applicant (see claims 1 and 3 of Cardullo et al. and column 5, lines 15-26).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to replace the memory elements (78, 79) of Purcell et al. with the transponders shown by Cardullo et al. and use an RF transceiver as the processor (52) of Purcell et al.

The motivation for doing so would have been in order to provide a highly economical and reliable interrogation system applicable under all environmental conditions as taught by column 2, line 45 - column 3, line 2 of Cardullo et al. and as taught by column 9, lines 26-50 of Purcell et al. regarding a similar transponder placed on a print roll.

3. Claims 6, 11, 12, 14, 15, 17, 18, 29, 30, 32, 33, 35, 36 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell et al. US 6,227,643 in view of Cardullo et al. US 3,713,148, as applied to claims 8, 13 and 26, and further in view of Mochizuki et al. US 5,266,975.

Purcell et al. in view of Cardullo et al. disclose the claimed subject matter of claim 6, 50 and 51 common to claim 1 as explained above.

Purcell et al. in view of Cardullo et al. fail to disclose that the transponder is coupled to a cleaning fluid consumable or waste consumable in addition to the ink containing consumable.

Garcia et al. discloses a printing system with a waste ink/cleaning fluid consumable (23) that sucks ink through the nozzles of an ink jet head (1) to clean the ink jet head and with memory circuits to keep track of the amount of waste ink collected in order to determine when the waste consumable should be replaced (column 2, lines 35-54).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to include a waste ink/cleaning fluid consumable as shown by

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Garcia et al. in the printing system of Purcell et al. in view of Cardullo et al. and provide the transponders used by Garcia et al. in view of Cardullo et al. on these consumables.

The motivation for doing so would have been in order to maintain satisfactory print quality by cleaning out the printhead nozzles as taught by column 2, lines 35-54 of Garcia et al. and communicate and update the amount of waste ink collected using a highly economical and reliable interrogation system applicable under all environmental conditions as taught by column 2, line 45 - column 3, line 2 of Cardullo et al. column 9, lines 26-50 of Purcell et al.

4. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Purcell et al. US 6,227,643 in view of Mallory US 3,580,565.

Purcell et al. discloses a printer with a transceiver (86) which communicates with a transponder (140) placed on a print roll (128) (figure 9) in which the transponder includes a memory element (140) which stores information about the print media (column 9, lines 34-43).

Purcell et al. fails to disclose a stack of discrete sheet like members with a transponder coupled to one of the sheet like members.

Mallory teaches that print rolls and discrete print sheets are art recognized equivalents (column 1, lines 6-25).

It would have been obvious to a person of ordinary skill in the art to use a series of discrete receiver sheets with a transponder coupled to one of the sheets as taught by Mallory in place of the print roll used by Purcell et al.

The motivation for doing so would have been in order to eliminate the need for a stock cutter and lower the cost of the printer of Purcell et al. as taught by column 1, lines 14-16 of Mallory.

Response to Arguments

5. Applicant's arguments filed July 26, 2001 have been fully considered but they are not persuasive.

Applicant's arguments are directed towards claimed features added by amendments to the claims entered on July 26, 2001 that were not previously contained in the claims. The new rejection contained herein addresses these additional features.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Blaise Mouttet whose telephone number is (703) 305-3007. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow, Jr. Art Unit 2853, can be reached on (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Blaise Mouttet August 28, 2001

Bm August 28, 2001


John Barlow
Supervisory Patent Examiner
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